IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 333 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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SHEHANAZ AYUB JUNEJA

Versus

AYUB HASAMBHAI JUNJEJA

Appearance:

1. Misc.Civil Application No. 333 of 2001

MR SP HASURKAR for Petitioner No. 1

MR MA KHARADI for Respondent No. 1

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 11/07/2001

ORAL JUDGEMENT

Heard learned Advocate Mr. S.P. Hasurkar for the applicant. Opponent absent though duly served.

1. The applicant has prayed for transfer of the

proceedings of Civil Misc. Application no.70/2000 pending in the Court of learned District Judge, Rajkot, to the Court of competent jurisdiction at Vadodara. It is submitted that opponent is the husband of the applicant and minor children born through wedlock between the parties aged about 11 years and 8 years are residing with the applicant. That the present opponent has initiated above stated proceedings by Civil Misc. Application no.70/2000 under the provisions of Guardians and Wards Act to claim the custody of the children. It is also submitted that the applicant being a woman, it is difficult for her to attend the Court at Rajkot, particularly, with the minor children. Furthermore, as there are various proceedings between the parties the applicant apprehends security of herself while attending the Court at Rajkot, and thereby, has prayed that the said proceedings be transferred to a competent Court at Vadodara where the applicant is residing. In the facts and circumstances of the case as apparent from the pleadings and in view of the observations made by this Court in the case of SHILPA HARGOVINDAS PATEL VS. DR. VISHNUBHAI CHATURBHAI, reported in 1999(3) G.L.R. P.2438 the application is allowed. The District Court, Rajkot is directed to transfer the record and proceedings of Civil Misc. Application no.70/2000 to the Court of District Judge, Vadodara for further proceedings and District Judge, Vadodara is directed to do the needful for expeditious disposal of the said proceedings. Rule to that extent is made absolute. No order as to costs.

(A.K.Trivedi,J.)

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